

REMARKS

INTRODUCTION:

In accordance with the following, reconsideration of the allowability of pending claims 1-21 is respectfully requested.

ALLOWABLE SUBJECT MATTER:

Claims 6-8 and 15-16 are indicated as allowable if rewritten in independent form.

REQUEST FOR WITHDRAWAL OF FINALITY:

Applicant respectfully requests withdrawal of the finality of the current Office Action on the grounds that Applicant traversed the previous Office Action without substantive amendment of the claims in the Amendment filed on November 30, 2006. In fact, Applicant notes on page 9 of the Amendment that the claims are amended only to enhance clarity.

In the previous non-Final Office Action mailed September 6, 2006, the Examiner initially appeared to have overlooked the word "selectively" as used, for example in the original claim 1 reciting, at least, "selectively in parallel or in series." In response, Applicant amended the claims in the Amendment filed on November 30, 2006, in an attempt to further emphasize the required interpretation of the term "selectively," resulting in the current Final Office Action.

However, as the recited "selectively in parallel or in series," has the **identical** meaning as "selectively in parallel and in series," the new grounds for rejection necessitate a non-final rejection.

For example, Applicant directs the Examiner's attention to FIG. 1 and paragraph [0023] of the above-identified specification, which demonstrate there was no substantive change to the claims because the word selectively limits the claimed feature, to one of, being in parallel or being in series, at any particular time. Thus, Applicant's changes to the claims did not change the scope or breadth of the claims. Rather, as noted above, these changes were made to emphasize, and hence correct, the misinterpretation in the first Office Action and to avoid any potential §112 rejections based on informalities, that might have been expected from the Examiner. After review of the present specification it should have been clear that the term "selectively," required the existence of both the parallel and series claimed features.

Accordingly, Applicant respectfully requests withdrawal of the finality of the current Final Office Action.

REJECTION UNDER 35 U.S.C. §103:

Claims 1-5, 9-14 and 17-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kawagishi in combination with Kawaguchi. Applicant respectfully traverses this rejection.

Previously amended independent claim 1 recites at least "...a controller to control the connection switching part so that the diode rectifier circuit and the current limiting part are connected to each other selectively in parallel and in series."

Applicant respectfully submits that neither Kawagishi nor Kawaguchi, taken separately or in combination, disclose, teach, or suggest the above-recited features.

The Office Action notes that Kawagishi does not disclose the above-recited features. However, the Office Action proposes to modify Kawagishi with Kawaguchi, and asserts that Kawaguchi discusses a "technique for the current limiting part connected to each other selectively in parallel and in series and a relay ([at] figure 7, item 105 and 109)." Applicant respectfully disagrees.

Kawaguchi illustrates, at FIG. 7, a power feed system for feeding power to the motor of an electric vehicle. More specifically, FIG. 7 illustrates a charging resistor 109 placed in series with a reverse-current diode 110 for charging the smoothing capacitor 103a with a limited charge current (col. 1, lines 53-54). The Office Action fails to set forth any portion of Kawaguchi that illustrates or discusses, at least, a "diode rectifier circuit and the current limiting part are connected to each other selectively in parallel and series." The term selectively as used herein must be given patentable weight.

The Office Action also fails to set forth any portion of Kawaguchi that illustrates or discusses, at least, "a controller to control the connection switching part," as claimed.

Accordingly, Applicant respectfully submits that independent claim 1 patentably distinguishes over the cited references, and should be allowable for at least the above-mentioned reasons. Since similar features recited by each of the amended independent claims 4, 9, 10 and 18, with potentially differing scope and breadth, are not taught or disclosed by the references, the rejection should be withdrawn and claims 4, 9, 10 and 18 allowed.

Further, Applicant respectfully submits that claims 2-3, 5, 11-14, 17, and 19-21, which variously depend from independent claims 1, 4, 10 and 18, should be allowable for at least the same reasons as claims 1, 4, 9, and 18, as well as for the additional features recited therein.

DOUBLE PATENTING:

Claims 1-21 stand rejected under the judicially created doctrine of obviousness-type double patenting in view of claims 1-27 of U.S. Patent No. 6,956,751. Applicant asserts the rejection is moot in light of the terminal disclaimer enclosed herein.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Accordingly, if there are any further formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: April 12, 2007

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